

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

September 11, 2022

McALLEN DIVISION

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Hector Javier Ibanez

Case Number:

M-22- 1810 -M

YOB: 1999 COB: United States

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about September 10, 2022 in Starr County, in the
Southern District of Texas

(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Mayely Elisabeth Flores-Guardado, a citizen and national of El Salvador, who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**

I further state that I am a U.S. Border Patrol Agent and that this complaint is based on the following facts:

On September 10, 2022, at approximately 4:30 AM, a Border Patrol aerostat operator observed a single person board a single cab pickup truck in Roma, Texas. Based on the Agent's training, experience working in the area and knowledge of the high occurrence of alien and narcotics smuggling due to the close proximity of the Rio Grande River, he relayed this observation to nearby Agents. The aerostat operator maintained visual of the truck until another Agent in a marked service vehicle encountered it making abrupt maneuvers without cause. The Agent positioned himself behind the truck to request a check of the displayed Texas tags. The Agent then activated his emergency equipment to conduct an immigration inspection of the vehicles occupants. The driver of the truck, later identified as Hector Javier Ibanez, a United States citizen, immediately drove off in an unsafe manner through narrow residential streets. Shortly thereafter, both the aerostat operator and pursuing Agent observed the passenger exit the truck while still in motion. The Agent continued pursuing the truck until Ibanez stopped at an intersection and absconded on foot. After a brief foot pursuit, Ibanez was apprehended. Another responding Agent encountered the passenger, identified as Mayely Elisabeth Flores-Guardado, a citizen and national of El Salvador, with bleeding lacerations on her face. Flores was determined to be illegally present in the United States and was transported to the Rio Grande City Border Patrol station for a medical evaluation and processing. Ibanez was arrested for alien smuggling and transported to the Rio Grande City Border Patrol Station.

SEE ATTACHED.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA Laura Garcia

Submitted by reliable electronic means, sworn to and attested
 telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

/s/ Oscar Ortiz

Signature of Complainant

Oscar Ortiz Border Patrol Agent

Printed Name of Complainant

September 11, 2022 11:58 AM
 Date

at

McAllen, Texas
 City and State

Nadia S. Medrano, U. S. Magistrate Judge
 Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-22- 1810 -M

**RE: Hector Javier Ibanez
CONTINUATION:**

PRINCIPAL STATEMENT: Hector Javier Ibanez

Hector Javier Ibanez, a United States Citizen, was read his Miranda rights in the Spanish language. Ibanez understood his rights and agreed to provide a sworn statement.

Ibanez told Agents he was contacted by an unknown man in Mexico, asking him to pick up and transport a female. Ibanez added he does not transport illegals but did this time because the usual driver didn't answer. Ibanez claims he was not going to be compensated for transporting the female; he was only going to take her wherever she needed to go, and the other driver was going to get paid. Ibanez later said he found the female and had her board his truck. A few moments later a law enforcement vehicle activated his emergency equipment; Ibanez stated he drove off and told the passenger to exit and run because he did not want problems. Ibanez said the passenger jumped out on her own while the vehicle was still in motion and he continued driving faster. Ibanez later stated he eventually stopped and began to run on foot until he surrendered and was apprehended by Border Patrol.

MATERIAL WITNESS STATEMENT: Mayely Elisabeth Flores-Guardado

Mayely Elisabeth Flores-Guardado, a citizen and national of El Salvador, was read her Miranda rights in the Spanish language. She understood her rights and agreed to provide a sworn statement.

Flores indicated she made her own smuggling arrangements and agreed to pay \$15,000. Flores added she crossed the Rio Grande River alone and walked and hid in the brush for several hours before receiving a phone call. The person on the phone asked her where she was, and a vehicle was going to pick her up. Flores told Agents a dark colored four-door truck arrived and stopped at her location before she boarded through the front passenger door. Flores said the driver noticed law enforcement behind him and ordered her to jump out of the vehicle. Flores added the truck was still travelling at what felt as an elevated speed when she jumped. Flores indicated the driver never made an attempt to stop before she exited. Flores felt she had to do what the driver said and sustained a shoulder injury and several scratches to her face.